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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,125

01/06/2006

Monika Ivantysynova

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7590

07/08/2009

CNH AMERICA LLC

INTELLECTUAL PROPERTY LAW DEPARTMENT

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NEW HOLLAND, PA 17557

EXAMINER

WILLIAMS, MAURICE L

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

07/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,125	Applicant(s) IVANTYSYNOVA ET AL.	
	Examiner MAURICE WILLIAMS	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/17/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/17/09 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US 3,939,933) in view of Tesar (US 5,355, 743).

Armstrong discloses a variable flow hydraulic pump (**74**) in communication with a hydraulically operated device (**34**), at a centre point (axis **16**) of a vehicle. Column 2, lines 8-10 of Armstrong explain that the hydraulically operated device, while described as being a ram in the detailed description, may also be in the form of a vane motor.

Armstrong does not directly disclose a motor arranged in the rotary axis of the vehicle.

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Tesar discloses a motor (**100**; col. 3, ln. 49-50 indicates that the motor can be hydraulic or electric), arranged on a rotary axis (**113**) of a vehicle. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong as taught by Tesar in order to provide a central force for actuating the articulation of the vehicle.

Regarding claim 4: While Tesar discloses a single motor in the rotary axis, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include an additional motor, to provide additional power for the articulation of the vehicle.

4. Claims 3, 6-10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Tesar and Sprinkle et al. (US 2003/0013575). Armstrong and Tesar disclose as discussed above, but do not directly disclose a piston pump with a swashplate or a controller with sensors. Sprinkle discloses a pump with a swashplate (**118**) that is controlled by a microprocessor (**52**), which is connected to a sensor (**46**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong as taught by Tesar and Sprinkle in order to provide a means of changing the flow of the pump as well as a means of controlling the pump as the operating status of the vehicle changes (col. 4, ln. 62-65 states that it is clear that an electrical element may be used to signal the state of the vehicle).

5. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Tesar and Sprinkle as applied to claims 7 and 11 above, and

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further in view of Sakamoto et al. (US 5,584,346). Armstrong, Tesar and Sprinkle disclose as discussed above, but do not directly disclose a joystick connected to a controller. Sakamoto discloses the use of a joystick (**220** with a force feedback function (col. 17, ln. 41-42 indicates that the joystick has a return to neutral function). The joystick is connected to an electronic controller (**26**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong as taught by Tesar, Sprinkle and Sakamoto in order to provide an alternative means of steering a vehicle, requiring the use of only one hand.

6. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Tesar and Sprinkle as applied to claim 11 above, further in view of Sakaki (US 2002/0170769). Armstrong and Sprinkle disclose as discussed above, but do not directly disclose that the flow of the pump is controlled by a controller according to the steering angle of the steering device. Sakaki discloses a steering system wherein the operation of the pump is dependent on the steering angle recorded by a controller (**42**) (¶ 0042, ln. 6-12). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong, Tesar and Sprinkle as taught by Sakaki in order to provide a way of controlling the operation of the pump via an input means commonly used to determine the operating condition of the vehicle.

Response to Arguments

7. Applicant's arguments with respect to claims 1-15 and 17-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurice Williams whose telephone number is (571) 272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maurice Williams/
Examiner, Art Unit 3611
Maurice Williams
Examiner
Art Unit 3611

MLW
July 4, 2009

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/Paul N. Dickson/

Supervisory Patent Examiner, Art Unit 3616